

INDEX TO VOLUME 20

A

- Aakhus, M., "What Mediators Do with Words: Implementing Three Models of Rational Discussion in Dispute Mediation," 177-203
- "Adversaries? Partners? How About Counterparts? On Metaphors in the Practice and Teaching of Negotiation and Dispute Resolution," 433-440
- Affective satisfaction, 69
- Affiliation, 73-74, 76-78
- Aggression: Aboriginal Australians and, 289; in Papua New Guinea, 290. *See also* Conflict
- Alternative dispute resolution (ADR): conceptions of culture and, 354, 357; Conflict Resolution Training Program and, 249-252; cultural sensitivity and, 352-354; origins of, 352-353. *See also* Conflict resolution; Dispute resolution; Mediation
- Alternative Dispute Resolution Act (ADRA), 5, 8-9, 12, 19
- American Arbitration Association (AAA), 386
- American Bar Association, Section of Dispute Resolution, 386, 429
- Americans with Disabilities Act (ADA), 385, 387, 392
- Apartheid, 360, 364
- Architects, third-party roles of, 443-445, 450-453
- Argument style, 30, 37-38. *See also* Divorce mediation, gender differences and (study)
- Argument. *See* Divorce mediation, gender differences in argument and (study)
- Articles: "From Determining Capacity to Facilitating Competencies: A New Mediation Framework," 385-401; "Gender Differences in Content and Style of Argument Between Couples During Divorce Mediation," 23-50; "How Do You Write 'Yes?': A Study on the Effectiveness of Online Dispute Resolution," 261-286; "Mediation, Power, and Cultural Difference," 287-306; "Mediation Within a

- Hierarchical Structure: How Can It Be Done Successfully," 51-65; "Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations," 403-427; "Peer Mediation Training and Program Implementation in Elementary Schools: Research Results," 133-135; "The Sounds of Silence: Compelling Mediator Testimony in *Olam v. Congress Mortgage Co.*," 5-21; "Structural Sources of Conflict in a University Context," 161-176
- "Aspects of Grief in Conflict: Re-Visioning Response to Dispute," 83-97
- Association for Conflict Resolution (ACR), 386
- Attorneys. *See* Lawyers
- Attribution theory, 40
- Autonomy, 73-74, 76-78
- Avruch, K., "Type I and Type II Errors in Culturally Sensitive Conflict," 351-371

B

- "Balancing on Words: Human Change Processes in Mediation," 331-349
- Bargaining model, 191-196
- Barsky, A. E., "Structural Sources of Conflict in a University Context," 161-176
- Behavioral therapy, 43-44
- Belonging, blood and, 358-359
- Bias, mediator: capacity determination and, 392; empowerment and, 210; reporting of, 205-206; techniques for avoiding, 217-218, 223-227. *See also* Bias complaint (case analysis); Mediator orientations; Neutrality/impartiality, mediator
- Bias complaint (case analysis): appearance of asymmetry and, 212, 223-224, 227; completeness of queries and, 219-220; data, 206; description of hearing, 206-209; discussion, 223-227; dominance of first story and, 212-213, 226, 228; emotion work and, 220-223, 226-228; empowerment and, 209-211, 223-224, 227; future

- research, 227; mediation hearing organization and, 224-226, 228; mediator interventions and, 213-218; mediator response to stories and, 218-220; mediator solicitation of stories and, 212-213; methods, 206; potential triggers in, 209-223; practice implications, 227-228; summaries of stories and, 218-219
- Bickmore, K., "Peer Mediation Training and Program Implementation in Elementary Schools: Research Results," 133-135
- Bluehouse, P., "Is It 'Peacemakers Teaching'? or Is It 'Teaching Peacemakers'?" 495-502
- Book Reviews: *I Hear What You Say, But What Are You Telling Me? The Strategic Use of Nonverbal Communication in Mediation*, 121-127; *Learning Lessons from Waco: When the Parties Bring Their Gods to the Negotiation Table*, 373-378
- Boundary setting, 503
- Brigg, M., "Mediation, Power, and Cultural Difference," 287-306
- Bureaucracy, discourse of, 236-237
- C
- Capacity, determination of party: definitions of, 385-386; discrimination and, 392; diversity issues and, 386; as fluid state, 391; focus areas for, 398-399; gray area of, 389; guidelines for determining, 387-388; implications/complications of, 390-392; informed consent and, 389-391; literature review on, 387-390; mediator bias and, 392; mediator judgment and, 387-388; mediator qualifications and, 388, 390; mediator role and, 385; mediator training and, 386; mental disability and, 392, 395; mental health clinicians and, 390; minimalist approach to, 389; professional standards and, 386-387; self-determination and, 390-392. *See also* Competencies, of parties
- Carburetor controversy (case example): bargaining model and, 183; competing visions in, 183; diagnosis, 182-184; mediation session excerpts, 179-182; mediator bias and, 182-183; mediator neutrality/impartiality and, 183; mediator-client tension and, 178, 183 selective facilitation and, 183
- Center for Conflict Resolution (CCR), of Cleveland Municipal School District (study) academic achievement outcomes and, 55-156; administrators/staff roles and, 147-149; attendance outcomes and, 154-155; conclusions, 156, 158; Elementary School Conflict Resolution Initiative and, 140-141, 145-147; future research, 156; limitations, 156; program advisers' roles and, 149-150; program design, 141; program interpretation and, 145; program origins, 139-140; qualitative analysis, 145-151; qualitative evidence, 143; quantitative evidence, 143-145; quantitative analysis, 151-156; recommendations, 156-158; research method, 142-145; research context, 139-140; research project, 141; results, 145-156; sample, 142-143; staff training/follow-up and, 145-147; Student Attitudes About Conflict survey and, 144, 152-154; student mediators' roles and, 150-151; survey results and, 152-154; suspension rates and, 155; Winning Against Violent Environments mediation program and, 139-14
- Change: constructivist theory and, 335. *See also* Human change; Transformation
- Cognitive development theory, 25, 39
- Cognitive processes. *See* Human mind; Human thinking
- Cohen, J. R., "Adversaries? Partners? How About Counterparts? On Metaphors in the Practice and Teaching of Negotiation and Dispute Resolution," 433-440
- Colloquy: "Adversaries? Partners? How About Counterparts? On Metaphors in the Practice and Teaching of Negotiation and Dispute Resolution," 433-440; "Aspects of Grief in Conflict: Re-Visioning Response to Dispute," 83-97; "Balancing on Words: Human Change Processes in Mediation," 331-349; "Complexity, Conflict Resolution, and How the Mind Works," 485-494; "Conflict Resolution: If It Weren't for the Client, I'd Have Done a Great Job," 441-454; "Discourses in the Use and Emergence of Organizational Conflict," 231-247; "Disputing Neutrality: A Case Study of a Bias Complaint During Mediation," 203-230; "Emotional Intelligence and Mediation Training," 99-119; "Having Students Take Responsibility for the Process of Learning," 455-462; "How Can We Teach So It Takes?" 429-432; "Is It 'Peacemakers

- Teaching? or Is It "Teaching Peacemakers?" 495-502; "Learning About Learning: The Value of 'Insight,'" 477-484; "Negotiating Emotions," 67-82; "Training on Purpose," 473-476; "Type I and Type II Errors in Culturally Sensitive Conflict," 351-371; "Victims, Targets, Protectors, and Destroyers: Using Disputant Accounts to Develop a Grounded Taxonomy of Disputant Orientations," 307-329; "What Mediators Do with Words: Implementing Three Models of Rational Discussion in Dispute Mediation," 177-203; "Windows on Diversity: Lawyers, Culture, and Mediation Practice," 463-472
- Communication: divorce mediation and, 42-43; emotional intelligence and, 112; emotions and, 70, 100; gender differences and, 26; marriage and, 36; power as, 54. *See also* Nonverbal communication
- Competencies, facilitation of party: balancing cognitive/emotional components and, 397-398; discussion of possibilities and, 397; focus areas for, 398-399; mediator role in, 396-399; ongoing needs assessment and, 396; reflecting back and, 396-397; removing barriers to party choice and, 397; time considerations and, 397
- Competencies, of parties: conceptual framework of determining, 392-395; definition of terms and, 393-394; mental disability and, 395; practice considerations and, 395-399; questions for determining, 398-399
- Complex adaptive systems, 490-491, 493
- "Complexity, Conflict Resolution, and How the Mind Works," 485-494
- Comprehensive Peer Mediation Evaluation Program, 139
- Compromise, etymology of, 436
- Confessional process, of mediation, 294-295
- Confidentiality, mediator, 16-17
- Conflict: blood ties and, 359; complex adaptive systems and, 493; as constitutive, 289-290; as emergent, 232; emotional intelligence and, 114; ethnic, 358; etymology of, 436; EVLN (exit, voice, loyalty, neglect) model and, 308; grief and, 84, 86-88; harmony model and, 289; human mind and, 493; intractable, 374; mediator role and, 289; non-Western views of, 289-291; positive approach toward, 288-289; sources of, 162; views of selfhood and, 290-291; Western attitude toward, 287-288; worldview and, 375. *See also* Aggression; Conflict, in university context (study); Organizational conflict (study)
- Conflict, in university context (study): background, 163-164; changes in university structure and, 171, 174; client groups and, 163; competition and, 166-167, 173; conclusions, 172-174; conflict resolution services and, 163, 174; findings, 165-171; hierarchy and, 168-170, 173; interviews, 164-165; limitations, 165; metathemes, 165-166; method, 164-165; ownership claims and, 163; purpose, 163-164; recommendations, 174; resource scarcity and, 162; sample, 164; stressful work environment and, 170-171, 173-174; structural issues and, 166, 172
- Conflict management: emotional intelligence and, 116-117; EVLN (exit, voice, loyalty, neglect) model and, 308. *See also* Conflict resolution; Dispute resolution; Mediation; Negotiation
- Conflict resolution: conceptions of culture and, 354, 357; human thinking and, 491-494; intractable conflict and, 374; mutual recognition and, 376; objectivity and, 492; reductionist approach to, 493; self-awareness and, 459; Western problem-solving approach to, 376; worldview and, 376. *See also* Alternative dispute resolution; Conflict resolution, culturally sensitive; Conflict transformation; Dispute resolution; Mediation
- Conflict resolution, culturally sensitive: background/origins of, 352-354; Type I (cultural insensitivity) errors in, 362; Type II (overvaluing culture) errors in, 363-367
- Conflict resolution education (CRE): academic achievement and, 380-381; failures of, 429; long-term violence reduction and, 381; RIPP program and, 381. *See also* Teaching/training models; Training/development
- "Conflict Resolution: If It Weren't for the Client, I'd Have Done a Great Job," 441-454
- Conflict Resolution Training Program: Leader's Manual, The*, reviewed, 249-252
- Conflict transformation: characteristics of process of, 232; organizational discourse and, 233. *See also* Conflict resolution
- Constructivist theory, 335

- Core role theory, 40
- Couple therapy, 43-44
- Crawford, S. H., "From Determining Capacity to Facilitating Competencies: A New Mediation Framework," 385-401
- Critical discussion model, 184-191
- Critical events, 374
- Critical incidents: definition of, 374; Waco as, 373-374
- Cross-cultural mediation: mediation models and, 254-255; mediator behavior and, 254; success in, 255-256. *See also* Conflict resolution, culturally sensitive; Culture; Intercultural mediation
- Cultural competence: defining, 465; hidden assumptions and, 467; legal culture and, 467-468; mediation training and, 466-468; mediator awareness and, 468-471; mediators and, 465-466; process design and, 471
- Cultural styles, 364, 367
- Culture: ADR's conception of, 354; cautions for thinking about, 368; as cognitive representations, 354; conceptions of, 354; disputes and, 464-465; ethnicity and, 357-359; ethnocentric, 375; experience-distant concept of, 355-357; experience-near vs. experience-distant concepts of, 355-357; as flawed principle, 368; legal culture and, 469; mediation training and, 464; multiculturalism and, 359-361; as norms/values, 354; as perceptual orientation, 354; race and, 357, 359; as stylistic difference, 364, 367; technical vs. social sense of, 354-355; Type I (cultural insensitivity) errors and, 362; Type II (overvaluing culture) errors and, 363-367; who defines, 366; writing for/against, 367-368
- D**
- Dabney, L., "From Determining Capacity to Facilitating Competencies: A New Mediation Framework," 385-401
- Determinism, 487
- Discourse. *See* Organizational discourse
- "Discourses in the Use and Emergence of Organizational Conflict," 231-247
- Disputant orientations: destroyers, 323-325; enforcers, 318-320; exception seekers, 314-316; information seekers, 313-314; protectors, 320-322; targets, 322-323; victims, 316-318. *See also* Disputant orientations (study)
- Disputant orientations (study): coding scheme, 312; data, 312; discussion/conclusion, 325-326; EVLN (exit, voice, loyalty, neglect) model and, 308; future research, 326; interview process, 311-312; limitations of methods, 313; methodology, 310-313; ombuds and, 309-310; purpose of, 310; results, 313-325; subjects, 310-311; voice and, 308-309, 325
- Dispute: culture and, 464-465; etymology of, 436
- Dispute resolution: examples of grief in, 90-92; grief and, 83-84, 92-96; mediator approaches to, 93-96; role of grief in, 87-90; signs of grief in, 85, 89-90, 94; working with grief in, 92-96. *See also* Conflict resolution; Mediation; Negotiation; Online dispute resolution; Rational dispute resolution models
- "Disputing Neutrality: A Case Study of a Bias Complaint During Mediation," 203-230
- Diversity: apartheid and, 360, 364; assimilation and, 360; cultural responses to, 360; multiculturalism and, 360; mutual recognition and, 376; privatization of, 360; worldview and, 375
- Diversity test, for mediation, 463-464
- Divorce mediation: behavioral therapy and, 43-44 communication and, 42-43; couple therapy and, 43-44; mediator gender and, 44-45; negotiation and, 43; objective criteria in, 44; positive outcomes of, 24; predictive variables in, 24; self-determination and, 23. *See also* Divorce mediation, gender differences in argument and (study); Marriage dissolution mediation
- Divorce mediation, gender differences and (study): argument style and, 26, 30-39; argument type and, 36-37; discussion, 38-42; future research and, 45-46; goal of, 28; hypotheses, 29; Israel background and, 26-28; participants, 29; practice implications, 42-45; procedure, 29-30; results, 30-36; summary, 45; research on, 24
- Divorce mediators: court battles and, 23; gender and, 44-45; gender differences and, 42-45; as therapists, 23-24
- Docherty, J., *Learning Lessons from Waco: When the Parties Bring Their Gods to the Negotiation Table*, reviewed, 373-378
- Double loop learning, 459

E

- Eaker, D. G., "Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations," 403-427
- Elementary School Conflict Resolution Initiative, 140-141, 145-147
- Emotion work, 220-223, 226-227
- Emotional argument style, 30
- Emotional deception, 125
- Emotional intelligence: analytical/ conceptual approaches and, 113; body awareness and, 102-103, 112; communication skills and, 112; conflict and, 114, 476 conflict management training and, 116-117; dimensions, 100-101; experiential approaches and, 112-113; judgment and, 115; mediation and, 100-105; mediator tools and, 111-115, 501-503; pedagogical techniques and, 111-115; performance and, 116; self-awareness and, 100-103, 501-502; self-control and, 502-503; self-reflective approaches and, 113-115; self-regulation and, 100, 103-105; spiritual approach and, 115; teaching, 115-11. *See also* Emotions; Emotional intelligence, mediation training and (study)
- Emotional Intelligence and Mediation Training, 99-119
- Emotional intelligence, mediation training and (study): analytical/conceptual approaches and, 113; conclusion, 117; emotional self-awareness and, 101-103; emotional self-regulation and, 103-105, 109-111; experiential approaches and, 112-113; findings, 106-109; literature review, 100-105; methodology, 105-106; pedagogical techniques and, 111-115; requests for training and, 117; self-reflective approaches and, 113-115; teaching emotional intelligence and, 115-117
- Emotional valence, 69-71
- Emotions: associations with/assumptions about, 67-68; communication and, 72, 100; conflict and, 99-100; exercises about, 104-105 experience and, 99; human thinking and, 490; identity concerns and, 68, 72-78; learning and, 475-476; legal framework and, 470; in meditation, 296; mediator tools and, 104, 501-503; mediator training approaches and, 104; meta, 69; negative, 70; as negotiable, 78-79; permission for, 112-113; positive, 69-70; relationships and, 71-72; self-awareness and, 502, 100-103; valence of, 69-70. *See also* Emotional intelligence; Grief
- Emotions, negotiation and: affective satisfaction and, 69; conflict and, 99-100; emotional valence and, 69-71; exploiting and, 70-71; folk wisdom on, 67-68; identity concerns and, 68, 72-78; instrumental satisfaction and, 69; main ideas about, 68; negotiator rationality and, 67-68, 99-100; negotiator training and, 100; reaching negotiation goals and, 68-78; role tensions and, 75-78. *See also* Emotional intelligence, mediation training (study)
- Employees: EVLN (exit, voice, loyalty, neglect) model and, 308; voice of, 308-309
- Empowerment: conflict and, 288; education and, 495-496; ethical issues in, 210; financial issues and, 129-130; mediator bias and, 210; power balancing and, 209-210
- Experience-distant (e/n) and experience-distant (e/d) concepts of culture, 355-362, 365-366, 368
- Ethnic conflict, 358
- Ethnicity: blood and belonging and, 358-359; conflict and, 358; culture and, 357-359; multiculturalism and, 359-360; racism and, 359
- Evans, M. J., "Aspects of Grief in Conflict: Re-Visioning Response to Dispute," 83-97
- Exit, voice, loyalty, neglect (EVLN) model, 308

F

- "False Dichotomies and Asking the Right Questions," 253-256
- Feminist psychoanalytic theory, 25, 39
- Filner, J. M., "From Determining Capacity to Facilitating Competencies: A New Mediation Framework," 385-401
- "From Determining Capacity to Facilitating Competencies: A New Mediation Framework," 385-401

G

- Gale, J., "Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations," 403-427
- Garcia, A. C., "Disputing Neutrality: A Case Study of a Bias Complaint During Mediation," 203-230

- Gat, H., "Gender Differences in Content and Style of Argument Between Couples During Divorce Mediation," 23-50
- Gender: mediator orientation and, 405; power imbalance and, 25; reasons for divorce and, 36
- Gender differences: argument style/content and, 25-26; attribution theory and, 40; core role theory and, 40; divorce and, 40; divorce mediation and, 24; divorce mediators and, 42-45; negotiation and, 24-25; social construction theory and, 41-42; verbal communication and, 26; "voice" and, 25. *See also* Divorce mediation, gender differences in argument and (study)
- "Gender Differences in Content and Style of Argument Between Couples During Divorce Mediation," 23-50
- Grief: acknowledgement/expressions of, 88; anticipatory, 85-86; breadth of relationship and, 87; commitment to relationship and, 87; conflict and, 84, 86-88; defining, 83-85; depth of relationship and, 86-87; dispute resolution and, 83-84, 92-96; examples of, 90-92; identifying, 88-90; manifestations of, 85, 89-90; mourning phases and, 85; organizational context and, 84, 86. *See also* Emotions

H

- Hammond, A. G., "How Do You Write 'Yes?': A Study on the Effectiveness of Online Dispute Resolution," 261-286
- Harmony model, of mediation, 289
- Harrison, T. R., "Victims, Targets, Protectors, and Destroyers: Using Disputant Accounts to Develop a Grounded Taxonomy of Disputant Orientations," 307-329
- "Having Students Take Responsibility for the Process of Learning," 455-462
- Herrman, M. S., "Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations," 403-427
- Hierarchical power, 56-57
- Hollenbeck, K., "The Sounds of Silence: Compelling Mediator Testimony in *Olam v. Congress Mortgage Co.*," 5-21
- Hollett, N., "Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations," 403-427
- Honeyman, C., "How Can We Teach So It Takes?" 429-432
- Hoskins, M. L., "Balancing on Words: Human Change Processes in Mediation," 331-349
- "How Can We Teach So It Takes?" 429-432
- "How Do You Write 'Yes?': A Study on the Effectiveness of Online Dispute Resolution," 261-286
- Hughes, S. H., "Complexity, Conflict Resolution, and How the Mind Works," 485-494; "How Can We Teach So It Takes?" 429-432
- Human change: active construction of realities and, 335; being in relation to other and, 336; chaos/breakdown and, 346; choice and constraint and, 347; communities of support and, 346; constructivist model and, 335; developmental paths/processes and, 336-337; metaphors/language and, 347; organizing/ordering experience and, 335-336; prescriptive mediation and, 332, 347; psychological studies on, 332; social aspect of knowing and, 336; symbolic representation and, 336; time and, 337, 346; transformation and, 332. *See also* Human change, and mediation (study)
- Human change, and mediation (study): analytic model, 334-337; case study 1, 337-343; case study 2, 343-346; constructivist change theory model and, 335; data analysis, 333-334; interviews, 333; methodology, 333-334; participants, 333; purpose, 331-332; rationale, 332-333; recommendations, 346-348; results/discussion, 337-346
- Human mind: as embodied, 488; workings of, 487-488
- Human thinking: as complex adaptive system, 490-491, 493; determinism, 487; Enlightenment and, 486, 491; feeling nature of, 490; historical perspective on, 486-487; metaphorical nature of, 489-490; objectivism, 486; objectivity and, 492-493; recent developments in, 487-491; reductionism, 486-487, 491; scientific method, 487; unconscious nature of, 488-489

I

- I Hear What You Say, But What Are You Telling Me? The Strategic Use of Nonverbal Communication in Mediation*, reviewed, 121-127
- Impartiality. *See* Neutrality/impartiality, mediator

- Informed consent, 389-391
 Insight model, of mediation, 479-482
 Insight, 478-479
 Instrumental satisfaction, 69
 Intercultural mediation: cross-cultural views of conflict and, 289-290; cultural assumptions and, 300-301; emotionality vs. rationality in, 296; facilitative vs. elicitive approaches to, 301-302; Foucaultian approach to, 288, 291-292, 294-295, 298; introduction to mediation process and, 293-294; political factors and, 300; power in, 291-298; recommendations for, 302-304; reframing and, 295; research/practice implications for, 298-304; self-awareness and, 301; selfhood and, 290-292; storytelling/ confession process in, 294-295; valuing cultural differences and, 298-301; Western vs. non-Western values and, 287-293, 295-298. *See also* Conflict resolution, culturally sensitive; Cross-cultural mediation
 "Is It 'Peacemakers Teaching'? or Is It 'Teaching Peacemakers'?" 495-502
 Israel: divorce in, 27-28, 30; family structure in, 27; ideological values in, 27-28; ideological values in, 28; national/social identity and, 27. *See also* Divorce mediation, gender differences in argument and (study)
- J
- Jacobs, S., "What Mediators Do with Words: Implementing Three Models of Rational Discussion in Dispute Mediation," 177-203
 Jones, W., "Complexity, Conflict Resolution, and How the Mind Works," 485-494
- K
- Kaufman, S., "Conflict Resolution: If It Weren't for the Client, I'd Have Done a Great Job," 441-454
 Kestner, P. B., *The Conflict Resolution Training Program: Leader's Manual*, reviewed, 249-252
 Kuztal, I. L., "Discourses in the Use and Emergence of Organizational Conflict," 231-247
- L
- Labor mediators, 183
 Language: culture and, 464; describing negotiation, 435-436; describing parties, 435-436; etymology of mediation terms and, 436; shaping reality and, 439; teaching and, 437-439. *See also* Metaphors, negotiation and
 Law enforcement, peacemaking program and, 496-500
 Lawyers: culture and, 469; third-party roles/activities of, 442-445, 450-453; training/education of, 469-470
 Learning: emotions and, 475-476; insight and, 478; insight model and, 479-482; knowledge acquisition and, 478-479; levels of, 478; in mediation, 477-478; transformative, 475
 "Learning About Learning: The Value of 'Insight,'" 477-484
Learning Lessons from Waco: When the Parties Bring Their Gods to the Negotiation Table, reviewed, 373-378
 Learning phases, 431, 477-483
 LeBaron, M., "Windows on Diversity: Lawyers, Culture, and Mediation Practice," 463-472
 Legal aspects, of mediation. *See* Nondisclosure; *Olan v. Congress Mortgage Co.*
 Legal culture: cultural competence and, 468; disputes and, 470; mediation and, 468-471; mediator awareness and, 468-471; strengths of, 469
- M
- McAdoo, B., "Conflict Resolution: If It Weren't for the Client, I'd Have Done a Great Job," 441-454
 Macfarlane, J., "Having Students Take Responsibility for the Process of Learning," 455-462
 Maida, P. R., "From Determining Capacity to Facilitating Competencies: A New Mediation Framework," 385-401
 Malaysia, mediation in. *See* Cross-cultural mediation
 Marriage dissolution mediation: benefits of early use of, 379-380. *See also* Divorce mediation
 Mediation: competency identification and, 384; confessional nature of, 294-295; diversity test for, 463-464; emotionality vs. rationality in, 296; exploring motivation to go beyond power structure and, 62-63; facilitative vs. elicitive approaches to, 301-302; grounding mediation in

- organizational reality and, 61–62; introduction to mediation process and, 293–294; learning models and, 383; legal culture and 468–471; mediator orientation and, 384; non-Western values and, 287–291; philosophical approach to, 383; power balance in, 54–58; preparing parties to “reenter” organizational structure and, 63; reframing and, 295; storytelling process in, 294–295; Western goals/assumptions in, 287–288; Western harmony models of, 289. *See also* Caruretor controversy (case example); Cross-cultural mediation; Divorce mediation; Intercultural mediation; Mediation, breakdown of; Negotiation; Online dispute resolution; Workplace mediation
- Mediation breakdown: case example of, 51–54, 59–60; exploring motivation to go beyond power structure and, 62–63; final stage: mediation breakdown, 60; grounding mediation in organizational reality and, 61–62; igniting factor: blaming/resisting, 60; power dynamics and, 54–58; precipitating factor: nonrecognition of hierarchical structure, 59–60; predisposing factor: power balance, 58–59; preparing parties to “reenter” organizational structure and, 63; questions about, 54, 58; stages of, 58–60; strategies to avoid, 61–63
- Mediation capacity. *See* Capacity, determination of party
- Mediation models: evaluative outcome-oriented, 481; insight, 479–482; relational, 481
- Mediation parties. *See* Parties, to mediation
- “Mediation, Power, and Cultural Difference,” 287–306
- Mediation readiness, 389
- Mediation training: cultural competence and, 466–468; culture and, 464; emotions and, 475–476; evaluating options/moving toward settlement and, 452–453; generating multiple options and, 451–452; needs assessment and, 446–450; steps of, 446–453; trainee purposes and, 474–475; understanding parties interests and, 450–451. *See also* Negotiation pedagogy; Teaching/training models; Training/development
- “Mediation Within a Hierarchical Structure: How Can It Be Done Successfully,” 51–65
- Mediator-client tension, 177–178. *See also* Caruretor controversy (case example)
- Mediator orientations: influences on, 404; mediator unawareness of, 404–405; organizational context and, 406; personal demographics and, 404–406; professional background and, 406;
- Mediator orientations, demographics and (study): background, 404–406; comparing characteristics/orientations and, 413–420, 423; conclusions, 420–423; context, 406–407; data analysis, 409–410; description of characteristics and, 410–411; discussion, 420–424; future research and, 423; implications, 423–424; measures, 408–409; mediation signals and, 417; mediator orientations and, 411–412; method, 407–420; organizational context and, 406, 423; primary mediation outcomes and, 411, 413, 417; primary mediation process focus and, 413; primary mediator goals and, 410, 413, 420, 423; professional background and, 406, 413, 420, 423; sex differences and, 405, 413, 417, 420, 423; survey, 407–408
- Mediator rationality. *See* Rational dispute resolution models
- “Mediator Reflections on Practice: Connecting Select Demographics and Preferred Orientations,” 403–427
- Mediator tools: attitude/expectations, 503–504; boundary setting, 503; optimism, 114, 503; self-awareness, 100–103, 501–502; self-control, 103–105, 502–503
- Mediators: bargaining approach by, 191–196; capacity determination and, 387–388; competence of, 200; critical discussion approach by, 184–191; cultural competence of, 465–466; emotion work and, 220–223, 226–227; expectations of, 184–185; exploring motivation to go beyond power structure and, 62–63; grounding mediation in organizational reality and, 61–62; insight model and, 479–482; legal considerations and, 5–20; legal culture and, 468–471; power balance and, 55–56, 61; preparing parties to “reenter” organizational structure and, 63; rational dispute resolution models and, 185–200; settlement vs. communication stance of, 183; strategies for avoiding mediation breakdown and, 61–64; as therapist, 23–24; therapeutic discussion approach

- by, 196–200; typologies of, 183. *See also* Bias, mediator; Confidentiality, mediator; Divorce mediators; Mediator orientations; Mediator rationality; Mediator tools; Neutral interveners; Neutrality/ impartiality, mediator; Nondisclosure, mediator; Third parties
- Meta-emotions, 69
- Metaphors: human change and, 347; human thinking and, 489–490; about time, 489; worldview and, 375–376
- Metaphors, negotiation and: adversarial, 434; cooperative, 434; ethics and, 436; outcomes and, 436. *See also* Language
- Model Standards of Conduct for Mediators, 386, 394
- Multiculturalism: culture and, 359–361; ethnic diversity and, 359–360; hard vs. soft, 360–361
- Mutual recognition, 376
- N
- Navajo Peacemaking Program, 495, 497–498
- Negotiating Emotions,” 67–82
- Negotiation: blame vs. contribution approach to, 437; competition–cooperation dichotomy of, 435–436, 438–439; cooperative vs. adversarial metaphors of, 434; for couples, 43; cultural sensitivity and, 353; descriptive lenses and, 437; descriptive/prescriptive approach to, 436–437; divorce mediation and, 42–43; etymology of, 436; gender differences and, 24–25; labels for parties in, 435–436; language describing, 435–436; linguistic awareness and, 438–439; outcomes, 437; power and, 54–58; power-balancing techniques in, 56; reframing and, 437; role tensions and, 75–78; women’s voice and, 25. *See also* Emotions, negotiation and; Negotiation pedagogy
- Negotiation pedagogy: dependence model of, 460; language and, 437–438; linguistic awareness and, 438–439; professorial power and, 456–457, 461; reiterative learning and, 459; student responsibility for learning and, 457–459; student self-assessment and, 460–461; student self-awareness and, 459; teacher-student dichotomy and, 438–439
- Negotiators, emotions of. *See* Emotions, negotiation and
- Neurolinguistic programming (NLP), 121–123
- Neutral interveners: architects and, 443–445; lawyers and, 442–443; questions for future research about, 453–454; skills of, 442; third-party roles/activities of, 442–445, 450–453. *See also* Mediators; Third parties
- Neutrality/impartiality, mediator: conflict resolution and, 492; emotions and, 113; mediator orientation and, 403–404; questions about, 493; techniques for enhancing, 217–218, 223–227. *See also* Bias, mediator; Mediator orientation
- New Mexico School of Law, 429
- Nondisclosure, mediator: confidentiality and, 16–17; “justice” interest and, 17–19; mediator testimony and, 15; policies favoring, 15–19; recommendations regarding, 19–20. *See also* *Olam v. Congress Mortgage Co.*
- Nonverbal communication: areas for investigation on, 125–126; emotional deception and, 125; importance of, 121; mirroring and matching of, 123, 125; neurolinguistic programming and, 121–123; prejudicial, 126; resources on, 125; techniques for developing, 124
- Normative pragmatics, 184–185
- O
- Objectivism, 486
- Objectivity, 492–493;
- Olam v. Congress Mortgage Co.*: background, 6–8; California statutes and, 13–15; conclusion/recommendations and, 19–20; court reasoning/decision making, 8–11; mediator confidentiality and, 16–17; nondisclosure and, 15–19; statutory misinterpretation in, 11–13
- Ombuds: definition of, 309; growth of, 309; literature on, 309–310
- Online dispute resolution (ODR): applicability of, 278–281; communication and, 272, 274–275; definition of, 262; effectiveness of, 267–278, 281–283; emotions and, 277–278; empathy and, 272–273; face-to-face mediation vs. 275–277; KISS principle and, 268–269; mediation pace and, 273–274; mediator confidence and, 277; mediator skills and, 278; mediator style and, 268–269; motivation and, 272; online behavior and, 274; prior relationship and, 275; privacy and, 271–272; research on, 262; time and, 275–276; trust and, 270–271. *See also*

- Dispute resolution; Online dispute resolution (study)
- Online dispute resolution (study): applicability of, 278-281; background/research on, 262-263; disputes, 265; effectiveness of, 267-278, 281-283; factors influencing effectiveness of, 267-278; hands-on tour, 265, 267-268; instructions, 264, 267; lessons learned, 281-283; methodology, 263-267; online facilities, 264, 268, 281; process, 265-267, 270; research questions, 261-262; schedule, 263; subjects/setting, 283-264
- Optimism, 114, 503
- Organizational conflict: EVLN (exit, voice, loyalty, neglect) model and, 308; grief and, 84. *See also* Conflict; Organizational conflict (study)
- Organizational conflict (study): data analysis, 235; discourse of human connection and, 238-239; discourse of professionalism and, 237-238; interviews, 234-235; limitations, 245-246; managerial discourse of bureaucracy and, 236-237; methodology, 234-235; participants, 234; political discourse and, 239-244; practical implications, 244-245; research findings, 235-244; research questions, 231-232; theoretical background, 232-234
- Organizational discourse: of bureaucracy, 236-237; conflict transformation and, 233; organizational conflict and, 233, 244; political, 239-244; of professionalism, 237-238; sensemaking and, 232-233; spatial-temporal aspects and, 233-234
- Ostermeyer, M., review by, 249-252

P

- Papua New Guinea, aggression in, 290
- Parties, to mediation: Americans with Disabilities Act (ADA) and, 385, 387, 392; discrimination and, 392; language describing, 435-436. *See also* Capacity, determination of party; Capacities, of parties
- Peacemaking, Navajo program for, 495-500
- Peer mediation: Comprehensive Peer Mediation Evaluation Program and, 139; conflict resolution outcomes of, 138-139; impact on student mediators of, 138; popularity of, 137-138; positive outcomes of, 138; research on, 137-138. *See also* Center for Conflict Resolution (CCR), of Cleveland Municipal School District (study)
- "Peer Mediation Training and Program Implementation in Elementary Schools: Research Results," 133-135;
- Picard, C. A., "Learning About Learning: The Value of 'Insight,'" 477-484
- Pines, A. M., "Gender Differences in Content and Style of Argument Between Couples During Divorce Mediation," 23-50
- Planners, third-party roles/activities of, 443-445, 450-453
- Poitra, J., "Mediation Within a Hierarchical Structure: How Can It Be Done Successfully," 51-65
- Political discourse, 239-244
- Power: as communication, 54; definitions of, 54; dynamics of negotiation and, 56; Foucaultian conceptualization of, 291-292; hierarchical, 56-57; intercultural mediation and, 291-298; negotiation process and, 55-56; situational, 25
- Power asymmetry, 212, 222-224
- Power balance: empowerment and, 209-210; ethical issues in, 210; gender and, 25; mediation and, 54-58; mediators and, 55-56; money and, 129-131; objectivity and, 493; proposal-making patterns and, 55; repercussions of, 55
- Power dynamics: behavioral dynamics and, 57-58; choices in, 57; creating asymmetry and, 212, 222-224; dimensions of, 56-58; dynamics of negotiation and, 56; ethical issues in, 210; hierarchical power and, 56-57; inflexibility and, 58; sociopsychological perspective on, 57-58
- Power preponderance theory, 55
- Power-balancing techniques, 56
- Professionalism, discourse of, 237-238

Q

- Questioning, 482-483

R

- Race, and culture, 357, 359
- Racism, 359
- Rational dispute resolution models: bargaining, 191-196; critical discussion, 184-191; discourse ideal and, 184; mediator competence and, 200; normative pragmatics and, 184-185; therapeutic discussion, 196-200

- Rationality. *See* Rational dispute resolution models
- Ray, L., *The Conflict Resolution Training Program: Leader's Manual*, reviewed, 249-252
- Reader Response: "False Dichotomies and Asking the Right Questions," 253-256; "Response to Lorie Schreier's 'Emotional Intelligence and Mediation Training,'" 501-504;
- "Response to Irving and Benjamin's 'Money and Mediation,'" 129-131
- Reductionism, 486-487, 491
- Reframing, in mediation, 295
- Reiterative learning, 459
- Relational argument style, 30
- Relational identity concerns: affiliation and, 73-74, 76-78; appraisal and, 72, 75, 78; autonomy, 73-74, 76-78; core relational themes and, 72; dimensions of, 73-74; emotions and, 71-75; multiple selves and, 71; negotiating emotions and, 78-79; role and, 74; role tensions and, 75-78; social structure and, 74-75; status and, 74-75
- Remland, M. S., *I Hear What You Say, But What Are You Telling Me? The Strategic Use of Nonverbal Communication in Mediation*, reviewed, 121-127
- Responding in Peaceful and Positive Ways (RIPP) program, 381
- "Response to Irving and Benjamin's 'Money and Mediation,'" 129-131
- "Response to Lorie Schreier's 'Emotional Intelligence and Mediation Training,'" 501-504
- Reviews: *The Conflict Resolution Training Program: Leader's Manual*, 249-252
- Role, 74
- S
- Schneider, A. K., "Having Students Take Responsibility for the Process of Learning," 455-462; "How Can We Teach So It Takes?" 429-432
- Schreier, L. S., "Emotional Intelligence and Mediation Training," 99-119
- Scientific method, 487
- Self-awareness: conflict resolution and, 459; emotional intelligence and, 100-103, 501-502
- Self-control, 502-503
- Self-determination, 23
- Selfhood: conflict and, 290-291; cross-cultural views of, 290-291, 296-297, 299; mediation and, 292, 299
- Self-regulation, 100, 103-105
- Sensemaking, 232-233
- Shapiro, D. L., "Negotiating Emotions," 67-82
- Situational power, 25
- Social construction theory, 41-42
- Society of Professionals in Dispute Resolution (SPIDR), 386. *See also* Association for Conflict Resolution (ACR)
- "Sounds of Silence: Compelling Mediator Testimony in *Olam v. Congress Mortgage Co., The*," 5-21
- Stains, Jr., R. R., "Training on Purpose," 473-476
- Standards, party capacity and, 386-387
- Stoltz, J. M., "Balancing on Words: Human Change Processes in Mediation," 331-349
- "Structural Sources of Conflict in a University Context," 161-176
- Students: responsibility for learning, 457-459; self-assessment of, 460-461; self-awareness of, 459; as counterparts in learning, 437-439; linguistic awareness of, 438-439; metaphors and, 433-434; teachers-as-experts and, 456-457
- T
- Tal, Y., "Gender Differences in Content and Style of Argument Between Couples During Divorce Mediation," 23-50
- Teacher-as-expert, 456-457
- Teaching/training models: cultural influences on, 430, 463-471; learning phases and, 431, 477-483; limits of professionalism and, 431, 495-500; mental maps and, 431, 484-494; metaphor and, 430, 433-439; self-limiting nature of, 430, 473-476; student self-responsibility and, 430, 455-461; third-party neutral, 431, 441-454. *See also* Training/development
- Therapeutic discussion model, 196-200;
- Third parties: architects as, 443-445; client representation role and, 446; lawyers as, 442-445; neutral interveners as, 442-445; planners as, 443-445. *See also* Mediators; Neutral interveners; Third party process phases
- Third party process phases: agreement implementation, 442, 447-449, 452-453;

- crafting solutions, 442, 447-449, 451-452;
intervention process management, 442,
447-451; needs assessment and, 442,
446-450
- "Training on Purpose," 473-476
- Training/development: Conflict
Resolution Training Program and, 249-252;
delivery modes of, 429; as disempowering,
494-496; questions about, 493. *See also*
Conflict resolution education (CRE);
Emotional intelligence, mediation training
and (study); Mediation skills training;
Negotiation skills teaching;
Teaching/training models
- Transformation, change process and, 332
- Tyler-Evans, M. E., "Aspects of Grief in
Conflict: Re-Visioning Response to
Dispute," 83-97
- Type I (cultural insensitivity) errors, 362
- Type II (overvaluing culture) errors, 363-367
- "Type I and Type II Errors in Culturally
Sensitive Conflict," 351-371
- U
- Unemotional argument style, 30
- V
- "Victims, Targets, Protectors, and Destroyers:
Using Disputant Accounts to Develop a
Grounded Taxonomy of Disputant
Orientations," 307-329
- Vise, K., "Disputing Neutrality: A Case Study
of a Bias Complaint During Mediation,"
203-230
- Voice: definition of, 309; EVLN model and,
208; research on, 308. *See also* Disputant
orientations
- W
- Waco, Texas: as critical incident, 373-374;
lessons learned from, 377; metaphor/para-
digm shift and, 375-376; worldmaking
narratives and, 375
- Wade, J., "False Dichotomies and Asking the
Right Questions," 253-256
- Western cultural values, and mediation,
287-289
- "What Mediators Do with Words:
Implementing Three Models of Rational
Discussion in Dispute Mediation,"
177-203
- Whitaker, S., "Disputing Neutrality: A Case
Study of a Bias Complaint During
Mediation," 203-230
- "Windows on Diversity: Lawyers, Culture, and
Mediation Practice," 463-472
- Wiseman, V., "Mediation Within a
Hierarchical Structure: How Can It Be
Done Successfully," 51-65
- Woods, S. M., review by, 373-381
- Workplace mediation, in community organiza-
tions case example, 51-54, 59-60
- Worldmaking narratives, 375
- Worldnaming power, 374
- Worldview: critical events and, 374; definition
of, 374; diversity and, 375; intractable
conflict and, 374; metaphors of, 375;
worldmaking narratives and, 375; world-
naming power and, 374
- Z
- Zumeta, Z., "Windows on Diversity: Lawyers,
Culture, and Mediation Practice," 463-472

